

**FINDINGS OF CONFORMANCE
MULTIPLE SPECIES CONSERVATION PROGRAM
For Crocker
TPM 20743, Log No 03-14-028**

August 30, 2005

I. Introduction

The project proposes a minor subdivision of 4.33 acres into two parcels of 2.18 and 2.15 acres in size. There is one existing single family residence onsite. Project development will include grading for an additional single family residence pad, driveway and utilities. Project impacts will include fire clearing around the proposed structure.

The project is located at 393 Galloway Valley Court in the community of Alpine, an unincorporated portion of San Diego County. The site is within the Metro-Lakeside-Jamul segment of the MSCP and does not qualify as a Biological Resource Core Area (BRCA). A large portion of the site is already developed. However, one seasonal drainage traverses the western boundary of the site. The project site is surrounded by rural residential uses, interspersed with undeveloped land.

Biological resources were analyzed in a Biological Technical Report prepared by Robin Church dated April 2005. The 4.33 acre site supports 0.99 acres of southern mixed chaparral, 0.16 acres of engelmann oak woodland and 0.02 acre of unvegetated drainage channel recently burned in the cedar fire and regenerating. This drainage channel qualifies as a Resource Protection Ordinance (RPO) wetland. The remainder of the site is considered disturbed or developed as a result of the existing single family residence on proposed Parcel 2. Two sensitive plant species were observed onsite: Engelmann oak (*Quercus engelmanni*) and palmer's sagewort (*Artemisia palmeri*). Both sensitive plant species will not be impacted as a result of the project as they will be preserved in open space. Two sensitive animal species were observed onsite: San Diego horned lizard (*Phrynosoma coronatum blainvillei*) and turkey vulture (*Cathartes aura*). The 0.76 acres of open space onsite includes all of the oak woodland and the RPO drainage and is contiguous with undeveloped lands offsite to the south of which a portion is within an existing dedicated easement. Due to the proposed onsite easement being contiguous with an existing easement, onsite mitigation credit has been given for impacts to southern mixed chaparral.

Project impacts and mitigation is summarized in Table 1.

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation	Onsite open space (ac)
wetland	I	0.02	0	NA	NA	0.02
Engelmann oak	I	0.16	0	NA	NA	0.16

woodland Southern mixed chaparral	III	0.99	.41	1:1 (onsite)	0.41	0.58*
Disturbed	IV	0.57	0.57	NA	NA	--
Developed	NA	2.59	2.59	NA	NA	--
Total:	--	4.33	3.57	--		0.76

* 0.26 acres of the 0.58 acres are considered impact neutral since that are associated with a RPO wetland buffer. This leaves a shortage of 0.09 acre. However, if mitigated offsite within a BRCA only 0.05 acre is required, as the mitigation ratio is reduced to 0.5:1. Since such a small amount of habitat cannot be purchased and in general impacts on the order of one hundredths of an acre are not considered significant, it is assumed that the mitigation requirement for project impacts is met onsite.

The findings contained within this document are based on County records, staff field site visits and the Biological Technical Report prepared by Robin Church dated April 2005. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

The Impact Area does not qualify as a BRCA since it does not meet any of the following BRCA criteria:

- i. The land is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The land is not shown as Pre-approve Mitigation Area (PAMA) on the wildlife agencies' map. The nearest PAMA is approximately 1/2 mile to the north west of the project site.

- ii. **The land is located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.**

The 4.33 acre site contains an existing single family residence. More than half the site is considered developed and/or disturbed. Although there are native habitat lands to the south and east of the site that contain biological resources that may support or contribute to the long-term survival of sensitive species, these lands are not adjacent or contiguous to PAMA. Additionally, to the north and west is developed land.

- iii. **The land is part of a regional linkage/corridor. A regional linkage/corridor is either:**
- a. **Land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale; and contains adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife; or**
 - b. **Land that has been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)**

The land is not part of a regional linkage/corridor. A regional linkage corridor is identified to the north west of the site in the form of Harbison Canyon.

- iv. **The land is shown on the Habitat Evaluation Map (Attachment J to the BMO) as very high or high and links significant blocks of habitat, except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA.**

The habitat onsite is rated as developed and does not link significant blocks of habitat. However, a drainage feature that may allow for connectivity for small mammals and reptiles will be preserved.

- v. **The land consists of or is within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.**

The land is not within a block of habitat greater than 500 acres.

- vi. **The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from the following geologic formations which are known to support sensitive species:**
- a. **Gabbroic rock;**
 - b. **Metavolcanic rock;**
 - c. **Clay;**
 - d. **Coastal sandstone**

The land does not contain a high number of sensitive species. Two sensitive plant species were observed onsite: Engelmann oak (*Quercus engelmannii*) and Palmer's sagewort (*Artemisia palmeri*). Two sensitive animal species were observed onsite: San Diego horned lizard (*Phrynosoma coronatum blainvilliei*) and turkey vulture (*Cathartes aura*). Sixteen species were rated with a high potential to occur onsite most likely due to the proximity of undeveloped land to the south and east. However, the site itself is already mostly developed and there is development immediately to the north and west of the site.

B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.

Mitigation will take place offsite within a County approved mitigation bank with PAMA of the MSCP.

The open space proposed on-site for this project is solely for purposes of avoiding a sensitive resource (RPO wetland and associated Engelmann oak woodland). This open space is not considered a Biological Resource Core Area and therefore, is not considered part of the regional MSCP preserve system. The requirements relating to the "Preserve" outlined in the County's Subarea Plan, the Implementation Agreement and the Final MSCP Plan will not apply to this open space.

III. Biological Mitigation Ordinance Findings

A. Project Design Criteria (Section 86.505(a))

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

The project does not propose impacts to a BRCA nor propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List). Therefore

findings in support of Project Design Criteria, including attachments G and H are not necessary.

IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.

There is a state and federal jurisdictional drainage onsite that traverses the southwest corner of the property. This wetland is protected within a proposed open space easement and will not be impacted as a result of the project. A 25 to 50 ft wetland buffer is proposed and also a 100 ft wide limited building zone (LBZ) easement. The wetland buffer and LBZ easement combined with fencing and signs will be used to separate proposed development from the wetland resource. Thus, the project will not conflict with the no-net-loss wetlands standard.

2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.

All of the most sensitive habitats (Tier I) are protected within a proposed biological easement including a drainage feature and Engelmann oak woodland. Also, 0.58 acres of the 0.99 acres of southern mixed chaparral onsite is within a biological easement mostly in association with a wetland buffer. Thus, there is structural diversity, including conservation of unique habitats and features.

3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.

The site does not support coastal sage scrub, nor does it have habitat onsite rated as high or very high biological value by the habitat evaluation model. However, there are sensitive habitats onsite. All of the Tier I (wetland and Engelmann oak woodland) habitat will be preserved within a biological open space easement. Additionally, more than half of the acre of southern mixed chaparral will be preserved, providing a buffer to the wetland and Engelmann oak woodland onsite.

4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.

The proposed onsite open space protects a wetland onsite and provides a buffer to the wetland that continues offsite at the northwestern property boundary. Edge

effects have been reduced through the use of fencing and signage and the requirement for a 100 ft limited building zone easement.

5. The project provides for the development of the least sensitive habitat areas.

The development of a residential pad is proposed on an existing disturbed area and fire clearing will impact the least sensitive habitat onsite (southern mixed chaparral, Tier III). A drainage that qualifies as a RPO wetland and associated Engelmann oak woodland will be protected in a biological easement that includes a 25 to 50 ft wetland buffer. The proposed easement is contiguous with an existing easement offsite.

6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.

Although key regional populations of covered species are not expected onsite due to development to the north and west, there is undeveloped land to the south. Development is taking place to the east. By preserving a drainage that qualifies as a RPO wetland and associated Engelmann oak woodland that is contiguous with an existing easement offsite to the south, these sensitive habitats will be able to function biologically. Preserving the drainage and woodland will allow for movement of small mammals and reptiles and provide nesting habitat for raptors and other bird species.

7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.

The onsite preservation within a biological open space easement of the RPO wetland and associated Engelmann oak woodland connects offsite to the south with an existing biological open space easement. These easements are not large enough to contribute to the preservation of wide ranging species, however they can contribute to the preservation of smaller species including small mammals, reptiles and birds. Wide ranging species can continue to utilize the Harbison Canyon linkage located approximately half mile north west of the project site. Golden eagle is rated with a high potential to occur onsite. The site may qualify as foraging land for Golden eagle in the region. However, foraging on the site may continue as a result of the dedication of 0.76 acres of onsite open space.

8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.

No critical populations, narrow endemics nor specified rare and endangered plants were observed or are expected to occur onsite. Thus, no conservation of such species is possible.

9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.

The project site does not lie within an identified preserve system. Habitat is rated onsite as developed. There is existing development onsite. Thus, approval of this project will not jeopardize the possible or probable assemble of a preserve system.

10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.

Although the project site does not qualify as a BRCA, it does have sensitive habitats onsite that must be preserved to meet the no-net-loss of wetland policy. Additionally, there is an existing biological open space easement offsite to which the proposed onsite easement is contiguous. Because of this contiguity, and the fact that the wetland will continue to function as wildlife corridor for small mammals, reptiles and provide nesting habitat for birds, it is proposed that the onsite open space count towards the project's mitigation responsibility. Of the 0.99 acre of southern mixed chaparral onsite, 0.41 acres will be impacted and 0.58 acres will be preserved within the proposed easement. When subtracting the portion of habitat that is within the 25 to 50 ft wetland buffer, that may not be counted towards mitigation credit, there is a shortage of 0.09 acres. However, if this habitat were to be mitigated offsite within a BRCA, the ratio is reduced to 0.5:1, requiring only 0.05 acres to be purchased offsite. Impacts on the order of one hundredths of acres are not considered significant and the project is assumed to have met its mitigation requirement onsite.

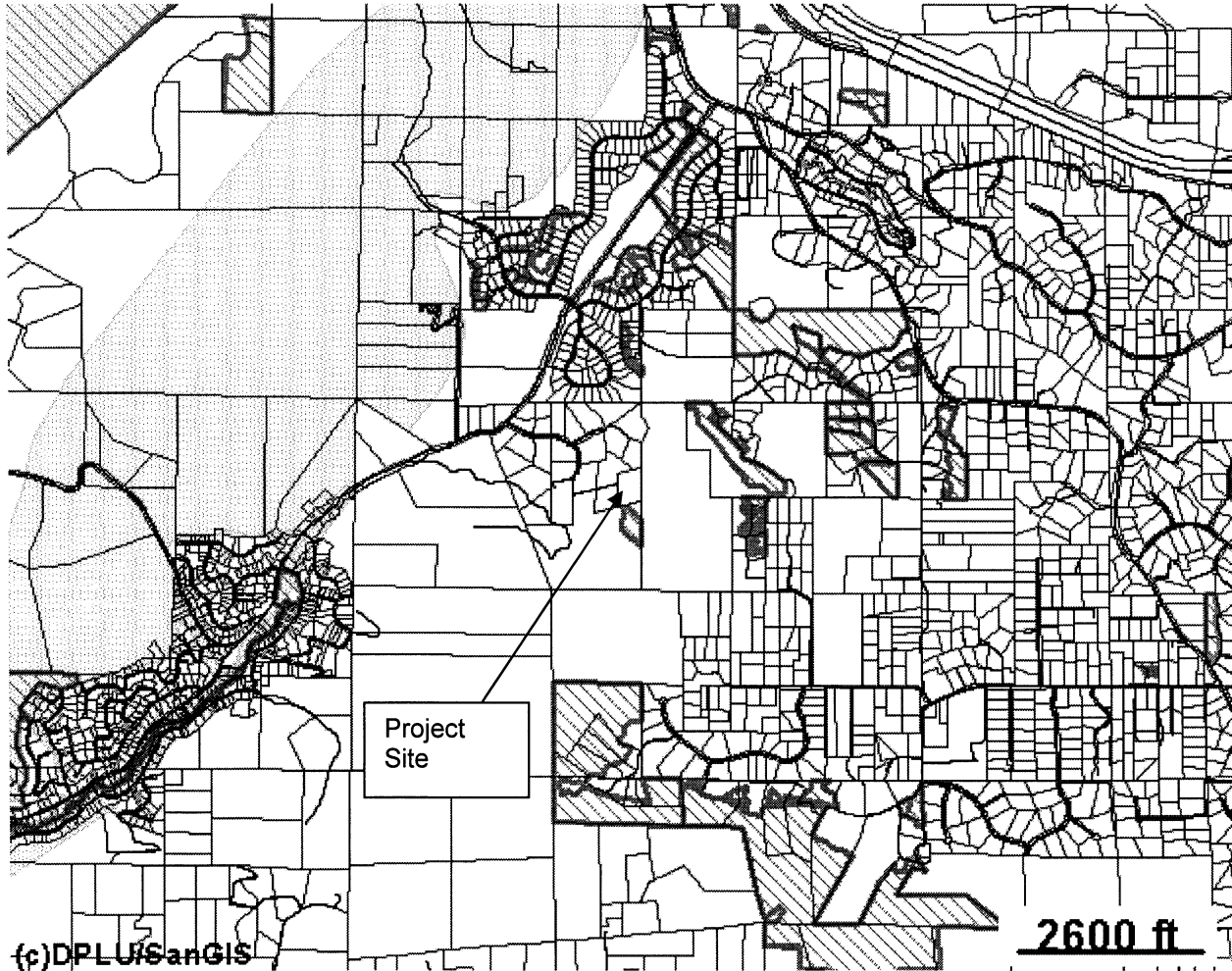
11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.

The site is not considered a BRCA and thus impacts to BRCA's have been avoided. There is an existing single family residence on the 4.33 acre site and more than half of the site is considered developed and/or disturbed. All of the most sensitive habitat onsite including 0.02 acre of wetland and 0.16 acre of Engelmann oak woodland is preserved within an open space easement that is contiguous with an existing open space easement offsite to the south. The second proposed pad is situated in an area that is already considered disturbed. However, fire clearing and driveway access will impact 0.41 acres of Tier III habitat. The remaining 0.58 acres of Tier III (southern mixed chaparral) habitat will be preserved in the biological easement providing a buffer to the wetland and oak woodland. The two sensitive plant species onsite Palmer's sagewort and Engelmann oak are wholly within the proposed easement and no impacts to these species will occur. The sensitive reptile, San Diego horned lizard, that was observed onsite and other reptiles and small mammals rated with a high potential to occur onsite should be able to

continue to utilize the site with the dedication onsite of the 0.76 acre biological easement. Thus, as a result of project design and the implementation of mitigation measures including dedication of a biological open space easement, dedication of a limited building zone easement, fencing and signage to separate development from sensitive resources onsite it has been determined that every effort has been made to avoid impacts to sensitive resources and specific sensitive species.

Megan Hamilton, Department of Planning and Land Use

MSCP Designation For Crocker TPM 20743



- Streets
- Freeways
- Parcels
- Lakes
- Rivers
- ~ ~ ~ Creeks

- Major Amend Area
- ▨ Minor Amend Area
- ▤ MSCP PAMA
- ▥ Take Authorized Areas
- ▧ Planned Preserve
- ▩ Biological & Openspace Easements